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U. S. A.

THE MARSHALSHIP

IN

NORTH CAROLINA,

BEING

A REPLY TO CHARGES MADE BY MESSRS. ABBOTT, POOL, HEATON, DEWEESE, DOCKERY, JONES, LASH, AND COBB, SENATORS AND REPRESENTATIVES OF THE STATE.

Daniel G. Swaim

SEATON HOUSE, WASHINGTON, D. C.,
April 6, 1869.

To the HON. E. R. HOAR,
Attorney General of the United States:

SIR: I have before me a copy of a printed petition to the President or to yourself, which was filed in your office, as I am informed, a few days ago. It is a pamphlet of seven pages, headed, "The United States Marshalship in North Carolina," and demands my immediate removal from that office. It purports to be signed by the Senators and Representatives, constituting the entire delegation at present holding seats in the Congress of the United States from North Carolina;" but in the absence of the written signatures of the persons thus described, and whose names are printed at its close, there is nothing on the face of the paper to warrant the assumption of its genuineness. My first thought, after perusing it, was that some of the names, at least, were appended to it without proper authority, and the grounds for this momentary suspicion will appear from the statement of facts I am about to make.

I have assumed that this formidable petition is addressed to the President or to yourself; though the printed copy does not warrant that inference. Indeed, it seems to have been intended, like Dickens' Notes on America "for general circulation," and is inscribed "To----------." This indefiniteness of aim may

have been the result of calculation, with a view to quicken the sense of official obligation in the appointing power, by rallying public opinion on the side of the petitioners; or it may have proceeded from ignorance of the source of official patronage. At any rate it is singular that members of Congress, constituting an entire delegation, who are presumed to have easy access to the President and the heads of Departments, should find it necessary to apply for the office of marshal for one of their friends through a long printed manifesto, with their names printed instead of signed, and addressed to nobody or to everybody. It is like—

> Ocean into tempest wrought,
> To waft a feather or to drown a fly.

That you may fully understand the merits of this controversy it becomes necessary that I should say more of myself and of my past history, than modesty would readily sanction. In brief, then, I am a native of North Carolina, and, at the same time, a life-long opponent of slavery. I have spent my life in the investigation of the subject in its economical, moral, social, and political aspects, and have written and published my thoughts, from time to time, since 1841. My views of slavery were not derived from nor have they been essentially modified by those of northern writers on the subject. On the morality of the system, my instinctive feelings were seconded by the writings of Jefferson and other southern statesmen of the revolutionary era, who were quite as out-spoken as their cotemporaries of the North. These irrepressible sentiments of repugnance to slavery, although expressed in measured terms, rendered it impracticable for me to succeed in North Carolina, and I came here, where there was a guarantee of personal security, if there was a want of sympathy in my views. In the long and fierce controversy which followed, it became known to the people of North Carolina that I took the side of freedom against slavery, and my old friend Mr. Holden, through the columns of the *Standard*, which was the organ of the so-called Democratic party, soon made the climate too warm for me to dwell in. This state of things lasted till the close of the war, when I returned to the State as United States marshal. Those of the people who were strangers to me, looked coldly on me, thinking me their enemy; but they soon found that while I was inflexible in my devotion to the Union and to freedom, I was the friend of every man who was ready to obey the laws. I did not ask of them a hypocritical profession of concurrence in my views, but only that they should demean themselves as good citizens,

and aid in upholding the good order of society; and this the great mass of the people of all parties have done. I scarcely know an exception among the respectable classes, and I accordingly have uniformly insisted that all law-abiding citizens should be included in a general amnesty and restoration of rights. My controversy with Mr. Holden has not been a personal one, growing out of his criticisms while his paper was the organ of the slave-holders, but political, because he has pursued a course which has tended to alienate the whites and the blacks from each other, and to drive the former into opposition to Republican principles. The old Whig leaders and many "Democrats" were willing, two years ago, to co-operate in the work of reconstruction on the basis laid down by Congress; but Mr. Holden seemed to dread lest the Republican party would become too large, and embrace in it too much of the culture and character of the State. He accordingly set about denouncing all as traitors whom he could not reckon among his followers, and threatened them with the confiscation of their property. To the negroes he made vague promises of a distribution of the lands of their former masters; and thus he drove the great body of respectable men from the Republican party, and, as far as was practicable, sowed the seeds of distrust between the races.

The first allegation against me is, that in the spring election of 1868, for the ratification of the new constitution, and the choice of Governor, Legislature, State officers, and Members of Congress, my name was placed at the head of a "bolting ticket," in opposition to the regular nominees of what the petitioners are pleased to style the "regular Republican ticket." I have two replies to make to this charge. In the first place, I had no hand whatever in bringing my name before the public as a candidate for the office of Governor; on the contrary, I earnestly protested against it, as something futile and ridiculous, and I was on a visit to this city when I first saw, with chagrin, in a North Carolina newspaper, that a ticket had been formed with my name at its head. But this feeling of mortification at the ridiculous position in which I was placed by my friends had in it no element of respect for what your petitioners style the "regular Republican ticket."

And this brings me to my second ground of defence against the charge of heading the "bolting ticket." There was no healthy, honest, liberal, decent Republican party in the State. I endeavored to aid in the formation of one. I began my efforts in 1865. It was my desire to form a party composed of first, the old anti-slavery men of the State, chiefly Friends or Qua-

kers, and Moravians; secondly, the numerous and highly respectable classes, who had either been true to the Union in heart, if not always in deed, or who had opposed secession and rebellion before the war, and who gladly welcomed peace and a restoration of the Union. I was anxious to add to these as many law-abiding citizens who had been secessionists, as could be persuaded to acquiesce in the new order of things. To this end, I addressed the people through the press, and the leaders of the people in conversation. As far back as September, 1865, and within a few days after I reached North Carolina, I wrote a letter, which was published in the Greensborough *Patriot*, in which I appealed to the good sense of the people of all parties, to begin the work of reconstruction by sweeping away from the statute books the oppressive distinctions made in the laws between white men and black men. I urged the repeal of the statutes which excluded black men from testifying in the courts in cases involving the rights of white men; and I insisted that the right of suffrage should be made to depend on education, intelligence, and character; not on the color of the skin. Mr. Holden, who was then the editor and proprietor of the Raleigh *Standard*, not only did not second these propositions of reform, but he opposed them. Bartholomew F. Moore, Esq., of Raleigh, an able and venerable lawyer, with others of his profession, favored the idea of according the equal right to testify in the courts to black men; and for that reason Mr. Holden was opposed to his election to the Legislature. The *Standard* lauded a speech made by the Hon. Kenneth Raynor, against this right of testifying, and Mr. Moore was defeated. Not one of the present partizans of Mr. Holden, of native birth, so far as I know, then favored the right of the negroes to testify against white men; and if his northern coadjutors were on the liberal side at that time, they were, with a few exceptions, conveniently silent and acquiescent under the then existing wrongs of the black man.

In August, 1866, my conduct was sharply criticised in the *Sentinel* newspaper, for having signed the call for the September Republican Convention at Philadelphia. You will readily remember that patriotic gathering of the people, for its influence in checking the demoralization of the party caused by the defection of Mr. Johnson. I was then, as now, marshal of North Carolina, but I did not on that, or any other account, hesitate to sign the call for the convention; and through friends I procured a nomination as delegate from the same handful of original anti-slavery men, who, eighteen months later, cast their votes for me for the office of Governor. I attended the convention, and I

found there neither Mr. Holden, nor any member of his State ticket, nor any one of the Senators and Representatives who are now petitioning to have me removed from office, on account of my opposition to the Holden ticket, except Mr. Jones. I will do Mr. Holden the justice to say that he expressed sympathy with the leading object of the convention, which was to rally and restore order to the party. But he was not ready to risk his popularity or influence with the white race, by taking part in a convention supposed to be favorable to the extension of suffrage to the blacks. Mr. Pool and Mr. Dockery were then still in the land of darkness and shadows, and would have been shocked at the idea of negroes voting. Mr. Alexander H. Jones was present, and coincided entirely with me in the course I pursued. Messrs. Abbott and Heaton were then citizens of North Carolina, but for wise reasons they kept aloof from the Republican revolt against a President who had nearly three years to serve. They doubtless sympathized in the movement, but they left it to humbler men to give it efficient aid. No delegate went to Philadelphia from Newbern, the seat of Mr. Heaton's Bank, nor from Wilmington, and parts adjacent, where Mr. Abbott and his friends now hold undisputed sway. As of old, one went to his farm, and another to his merchandise, and the cause of freedom and Union, was left to be cared for by an over-ruling Providence.

The attack on me in the *Sentinel* newspaper to which I have referred, afforded me another favorable opportunity to speak to the people in behalf of Republican principles, and the rights of black men. I addressed a long letter to the editor of the paper, mainly in advocacy of the extension of suffrage to colored men. They declined to publish it, except in part. The editor of the *Standard* courteously published the entire letter, but dissented from the views presented in it. The old anti-slavery men, who had read the *National Era*, the *New York Tribune*, and other journals of similar character, sympathised with me, but no man with political aspirations could be induced to allude to the subject except in whispers. Mr. Abbott and his northern friends, and Mr. Heaton and his northern friends, who had taken up their abode in the South, were as silent as the grave; or, at least, if they desired the enfranchisement of black men, the fact was kept out of the newspapers.

In the winter of 1866–'67, Messrs. Holden, Pool, and others of their friends, visited Washington as a "delegation of loyal men." They drew up a bill to establish a provisional government for the State, and to provide for reconstruction. It con-

tained no feature looking to the enfranchisement of black men. Suffrage was to be confined to the loyal whites. A test oath was framed which excluded all whites who could not swear that at the end of one hundred days from the issuing of Mr. Lincoln's amnesty proclamation, of December, 1863, they were in favor of restoring the Union. It was not until they found, from interviews with Mr. Stevens and others, in the two Houses of Congress, that negro suffrage was a foregone conclusion, that they could be induced to acquiesce in that measure. Some of their friends, finding that negro suffrage was inevitable, went home in disgust.

In March, 1867, Congress passed the first of the series of "reconstruction" acts, by which universal colored suffrage was provided for. Immediately Mr. Holden and Mr. Pool discovered that there was no right so sacred as that of black men to the elective franchise. The former, who had defeated Mr. Moore's pretensions to the Legislature, because, as a lawyer and a just man, he insisted upon the equal right of negroes to testify in courts of justice, now that Congress had settled the matter, employed the *Standard* newspaper to denounce all men who adhered to his former sentiments as traitors and conspirators against the peace of the country. The enactment of the reconstruction acts was the signal for a scrub-race for office among demagogues—white, black, native, non-native, rebel and Union, so-called Whoever made the loudest professions of devotion to black men's rights, and vowed the most slavish obedience to the will of the majority in Congress, was the soundest patriot. Life-long loyalty to the Union, and advocacy of impartial freedom, though accompanied by proscription and exile, inflicted by these identical new-born champions of black men's rights, went for nothing. And, on the other hand, a man might be steeped in treason to the crown of his head; he might have been the truculent pro-slavery and pro-secession editor—the organ of what passed for Democracy in the South before the war, or he might have been the military Jeffreys during the war, consigning scores of men to bloody graves for the offence of deserting the armies of the Confederacy; and these sins were at once condoned by a clamorous profession of devotion to the will of Congress.

Indeed, so completely have past "records" been effaced among the new-fledged "Republicans" of North Carolina, that to have been a life-long opponent of slavery and secession is becoming, as it was in the days of slavery, a cause of proscription. The pardoned rebels who now represent North Carolina in Congress, and their Northern-born colleagues, seem to have entered into a

conspiracy to have every native and original Republican removed from office. My case is not a singular one. Within a week past, the President, imposed upon by these pretenders to Republicanism, nominated an unpardoned rebel as assessor of internal revenue in the sixth district, in place of Mr. H. H. Helper, who is not only a Republican of fifteen or twenty years' standing, but who was disabled in the service of the Union during the rebellion as a soldier, and who was expelled from Newbern in 1862 as an Abolitionist, by the military governor. Mr. I. G. Lash, one of the signers to the paper calling for my removal, could tell Senators, if summoned, something about the character and position of Mr. W. T. Henderson, the nominee in place of Mr. Helper. Did Mr. Lash recommend him? Or if he did not, why does he not protest against the appointment? I call on Mr. Lash, as an honest man, to speak. He was my candidate against Mr. Holden for the office of Governor. I nominated him, in the *Register*, because, as I understood, he could take the test oath. He has the reputation of having been at all times loyal, and it is now incumbent on him to speak for loyal men, instead of joining the conspiracy against them. I had been led to believe that he was the tower of strength to the loyal men of his section; but his tame acquiescence in the dictation of Governor Holden and the northern members compels the belief that it was the loyal atmosphere of Salem and Forsyth which sustained him, instead of receiving strength from him. I thought I had some claims upon the good will of Mr. Lash, but I fear that my opposition to his pet scheme of legitimating the rebel State and county bonds touched him in his most tender point, and more than off-setted the honestly-bestowed praise of his Unionism.

The mandate has gone forth, also, from the conspirators, that Professor Hedrick must be removed from his office of examiner in the Patent Office. His offence, like Mr. Helper's and my own, is, that he will not bow down and worship the man who had him expelled from the University of North Carolina in 1856, for venturing to say that he desired the election of John C. Fremont. For this offence the trustees, stimulated and menaced by Mr. Holden in the *Standard*, held a meeting, and dismissed Mr. Hedrick from his position as a professor. He has not changed his views of slavery, nor his party relations, since 1856. Mr. Holden, who then had the power through the slaveholding interest, to drive Mr. Hedrick from North Carolina, now demands of a Republican Administration, through the half rebel delegation in Congress, that he be expelled from the Patent

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Office. Mr. Holden's name may or may not be among the petitioners for the dismissal of the professor, but his inflexible will is the main spring of the movement, while the "entire delegation in Congress" are but his instruments. The same is true of the removal of Mr. Helper. It is a light thing to atone for crimes against the Union and against humanity, but whoever expects forgiveness for sins against Governor Holden without works meet for repentance, will wake up to a heavy reckoning when he least expects it. The successor proposed by the "delegation," or a part of it, to Professor Hedrick, is a rebel, who did what a man of his years and capacity could for the "Confederate" cause. His name is Doherty. When the war broke out he was engaged in teaching school at Newbern. I remember to have seen, in a copy of the Newbern *Progress* newspaper, which, like the town, was captured from the rebels, an advertisement of this Mr. Doherty, offering his services as a manufacturer of gunpowder for the Confederates. He also claimed to be the inventor, or at any rate he offered to manufacture, conical bullets for smooth-bore rifles, with which to blow out the brains of the Yankee soldiers.

The delegation have been too modest, in their printed application for my removal, to designate my successor, but the fact has become widely known that they have unanimously—or perhaps with the exception of Mr. Abbott who has a northern friend to provide for—endorsed the pretensions of Mr. Samuel T. Carrow, the sheriff of Beaufort county. Until recently I had labored under the mistake of supposing that Mr. Carrow had been at all times loyal; and it was for this reason that I substituted his name on the electoral ticket for one on the "regular" ticket, which had less claims to confidence. But it seems I did my rival more than justice; and you will find, as I found, too late, that Mr. Carrow is a pardoned rebel—pardoned by an act of the Fortieth Congress. I know nothing of his offences, except that in his judgment they needed the pardoning grace of Congress to qualify him for the office of United States marshal. It may be, that as a truly loyal man, his horror of the southern rebellion is so great that he feels it incumbent on every man born on southern soil to crave pardon. But whatever the motive, I can only say that he has been pardoned, so that he can take the office, if appointed to it, and confirmed by the Senate, without taking the test oath of July, 1862, which test is reserved for those whose loyality is above suspicion.

I have stated that I had nothing to do with the formation of the ticket which bore my name at its head, except to protest

against being placed on it. But if the facts were otherwise, I should not hesitate to vindicate it as being quite as Republican in character as that headed by the name of Mr. Holden. Beginning with the names at the heads of the two tickets, Mr. Holden's and my own, I can without egotism on my part or injustice to him, state that while the establishment of universal liberty has been the dream of my life, the great subject of my thoughts, and the main topic on which I have written for the press for more than a quarter of a century, Mr. H. with equal pertinacity and with far greater pecuniary success, labored to extend and perpetuate slavery. It was by this sign he conquered all before him in North Carolina, became the leading editor and publisher in the State, and the man of widest influence; so that his boast in 1859, that he could "kill and make alive," that he could create and destroy men, politically, was not an idle or empty one. It might have been wise in him to withhold the vaunting declaration, but it was true. By his unscrupulous yet skillful use of the terrorism which slavery everywhere inspired in its devotees, as well as in its enemies, he could make a great man of very small materials, and he could destroy the best reputation for "soundness on the slavery question" with equal ease. It was only when Mr. Holden attempted to rebuke the excesses of his party because it failed to nominate him for Governor, and thereby threw doubts upon the feasibility of the extremest and hastiest measures looking to the interests of slavery, that he lost caste. He in vain endeavored to regain his forfeited position as the champion of slavery; and after many fruitless efforts, such as signing the ordinance of secession, and pledging "the last dollar and the last man" in North Carolina to the cause, he at length and by degrees abandoned the so-called Democracy, and began to look about him for materials out of which to build another party. Having lost the confidence, and incurred the bitter hostility of the great majority of the white people, nothing but the enfranchisement of the colored race, to which he had been so much opposed, could ever have lifted him out of the limbo in which he found himself after ceasing to be the champion of slavery and secession. It thus often happens in life that the events we most dread and deprecate are those which bring us the greatest blessings; and he who in 1865 defeated honest Mr. Moore, for advocating the right of negroes to testify in courts of justice, has, by his facility in turning and adapting himself to circumstances, and by his subtle ways as a party manager, enthroned himself in power over the State of North Carolina for four years, by negro votes. But if Mr. Holden can change his

principles he cannot change his nature, and the inflated pride which ten years ago burst forth in the exclamation that he could "kill and make alive," by acting as the vicegerent of the Moloch of slavery, now tempts him to sport with the tremendous moral and political forces set in motion by the overthrow of the rebellion and the destruction of slavery, and as if it were to turn them back upon the source whence they issued—the hearts of the loyal men whose fidelity in the field, in the council, by every fireside, and under all circumstances, saved the Union from destruction. If Mr. Holden can work this miracle; if he can so deceive and bend to his will the leaders of the Republican party as to induce them to abandon and proscribe all that was loyal to the Union, and all that was true to impartial freedom in the South, in the days of slavery, and take to their embrace the most truculent and overbearing champions of slavery and secession, he will deserve the honors due to a necromancer. But I will not harbor the suspicion. Reason, justice, and common sense all revolt against it, and only the most debased partizans, whose moral code is summed up in the maxim that "might makes right," will, for a moment, hear to the suggestion that the man who turned away the heart of North Carolina from the Union, and who infused into the veins of her people the *virus* of pro-slavery madness, can now give law to the Republican party in Washington, and through that party again proscribe and ostracize the handful of true men whose hearts even in the darkest hours beat responsive to the claims of liberty and Union.

As it regards the other names on the two tickets I will not stop to run the parallel. Two or three northern men on the Holden ticket were probably Republicans before or during the war; but the natives were for the most part active rebels, at least in the beginning of the contest. The same is in the main true of the names on the "bolting ticket;" most of them were more or less compromised in the rebellion, while not more than one or two were active abettors. In point of respectability and intelligence they all stand in the first rank of society, while it is safe to say that some of their successful competitors do not. I doubt if the signers to the petition for my removal would have the hardihood to say that the judges elected on the Holden ticket are, as a whole, the equals in attainments and character of those on the opposing ticket.

I have thus far omitted to allude to the fact that the indictment filed against me by the delegation is less strong than it might have been, in that it passes over my first and greatest offence. I am arraigned for having opposed the party in April, 1868,

whereas it was in September, 1867, that I denounced the party, in the moment of its organization. I denounced it in the Raleigh *Register* newspaper, as a fraud upon the people, and a disgrace to the Republican name; and it was at that date that I was formally read out of the "Republican party" by Mr. Holden, who signed the secession ordinance and pledged "the last dollar and the last man" in the State to make it good. Why did the delegation, in their petition for my removal, omit to put this capital offence of mine down against me? Was the omission intentional, and designed to save the feelings of Mr. John Pool? Was it in consequence of the fact that Mr. Pool was himself the leader of the revolt against the Holden organization? Was it that the writer, Mr. Heaton, was aware that Mr. Pool was the author of the Address to the People, whose object was the disruption of the so-called Republican party? I doubt not the majority of the delegation charitably concluded that the humiliation of Mr. Pool was sufficiently great, without compelling him to stultify himself publicly by name.

I have no personal grounds of complaint against Messrs. Abbott and Heaton, since I have no claims on their good will. I understand that they formerly belonged to the class of moderate Whig Republicans, and that their sudden awakening on the subject of down-trodden humanity was caused by the passage of the act of Congress conferring universal negro suffrage. In like manner I had nothing to expect from Mr. Dockery, late of the Confederate army, nor of Mr. Cobb. Of Colonel Deweese and Colonel Jones, I had a right to expect better things; since the former was indebted to me, in part, as the indorser of Governor Holden's recommendation for the office of register in bankruptcy; while Colonel Jones, as well as Mr. Holden, was under obligations to me for having, by permission of Mr. McPherson, designated them as the publishers of the laws. But these worthies doubtless belong to the class of men who cherish "a lively sense of obligation for favors to be received." Of Mr. Lash I have already spoken.

The delegation, in their petition, quote from a printed letter addressed by me in May last, to Mr. Sumner. I am gratified that they did so, as it may induce you to look into it. They say it was treated with general contempt by members of Congress, which fact may account for the facility with which they slipped into their snug berths, through the rents of a violated Constitution. But if my letter was overlooked by Congressmen, I can assure you that it was not thus treated by the people of North Carolina; and I doubt if one respectable, and at the same time

disinterested, lawyer can be found in the State, who does not assent to every material proposition therein maintained. I admit that the questions discussed have become obsolete, but they were not so when the letter appeared, and I have nothing to take back. What I proposed in the letter was not that the new constitution should be thrown aside, but that a fair and legal election should be held in conformity with its provisions. I voted for the constitution because it established impartial suffrage, and was to be the end of military rule; but it is in many respects defective, and I may say a bungling and complicated affair, unsuitable in several of its features to the circumstances of the people.

In this connection I will add, that I voted for a majority of the electors on the Grant and Colfax ticket, after striking off the names of others which were for various reasons, distasteful to me. And since the petitioners say that they are not aware that I did *anything* in the late Presidential contest, to aid the Republican cause, I will inform them that I induced some at least, to vote for an expurgated ticket, who, like myself, could not accept the whole of it.

The delegation having printed their petition for my removal, in order to circulate it among Congressmen and the people before it shall have been acted upon by yourself and the President, I take the liberty of doing likewise, in order that my defence may be as widely diffused as their allegations against me.

The issue has been made by the Senators and Representatives from North Carolina, whether Professor Hedrick, Mr. Helper, and myself, old anti-slavery men and Republicans, are to be dismissed from office at the request of rebels and conspirators with rebels, because we refused to vote for Governor Holden, who was the great leader of the slavery party in the State, who voted for the ordinance of secession, and who pledged "the last dollar and the last man" in the State to the Confederate cause. For myself, and without consulting with or desiring to involve others, I accept the issue. If I am to be turned adrift by such influences and for such causes, I stand ready to go. But I do injustice to you, to the President, and to the Senate, by the bare suggestion that you will be controlled by such influences.

I have the honor to be, with high respect,

DANIEL R. GOODLOE,

U. S. Marshal for District of North Carolina.

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